

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

**TQP DEVELOPMENT, LLC,**

Plaintiff,

v.

**WELLS FARGO BANK, N.A.,**

Defendant.

**Civil Action No. 2:12-cv-61-JRG-RSP**

**CONSOLIDATED**

**JURY TRIAL DEMANDED**

**TQP DEVELOPMENT, LLC,**

Plaintiff,

v.

**ENTERPRISE HOLDINGS, INC.,**

Defendant.

**Civil Action No. 2:12-cv-181-JRG-RSP**

**JURY TRIAL DEMANDED**

**STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE**

The plaintiff TQP Development, LLC and defendant Enterprise Holdings, Inc., pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims pending between them in *TQP Development, LLC v. Enterprise Holdings, Inc.*, Case No. 2:12-cv-181, WITH PREJUDICE, subject to the terms of that certain agreement entitled “**SETTLEMENT AND LICENSE AGREEMENT**” and dated April 26, 2013, with each party to bear its own costs, expenses and attorneys’ fees.

SO STIPULATED:

April 29, 2013.

Respectfully submitted,

<p><u>/s/ Jennifer Parker Ainsworth</u></p> <p>Jennifer Parker Ainsworth Texas Bar No. 00784720 <b>WILSON, ROBERTSON &amp; CORNELIUS, P.C.</b> 909 ESE Loop 323, Suite 400 Tyler, TX 75701 Telephone: (903) 509-5000 Facsimile: (903) 509-5092 <a href="mailto:jainsworth@wilsonlawfirm.com">jainsworth@wilsonlawfirm.com</a></p> <p>Terence P. Ross (admitted pro hac vice) <a href="mailto:tross@crowell.com">tross@crowell.com</a></p> <p>Jeffrey Ahdoot (admitted pro hac vice) <a href="mailto:jahdoot@crowell.com">jahdoot@crowell.com</a></p> <p><b>CROWELL &amp; MORING LLP</b> 1001 Pennsylvania Avenue, NW Washington, D.C. 20004 Telephone: (202) 624-2500 Facsimile: (202) 628-5116</p> <p><b>Attorneys for Defendant ENTERPRISE HOLDINGS, INC.</b></p>	<p>By: <u>/s/ Paul A. Kroeger</u> Paul A. Kroeger</p> <p>Marc A. Fenster, CA SB No. 181067 Email: <a href="mailto:mfenster@raklaw.com">mfenster@raklaw.com</a> Kevin P. Burke, CA SB No. 241972 Email: <a href="mailto:kburke@raklaw.com">kburke@raklaw.com</a> Adam S. Hoffman, CA SB No. 218740 Email: <a href="mailto:ahoffman@raklaw.com">ahoffman@raklaw.com</a> Alexander C.D. Giza, CA SB No. 212327 Email: <a href="mailto:agiza@raklaw.com">agiza@raklaw.com</a> Paul A. Kroeger, CA SB No. 229074 Email: <a href="mailto:pkroeger@raklaw.com">pkroeger@raklaw.com</a></p> <p><b>Russ August &amp; Kabat</b> 12424 Wilshire Boulevard, 12th Floor Los Angeles, CA 90025 Telephone: (310) 826-7474 Facsimile: (310) 826-699</p> <p>Andrew W. Spangler, State Bar No. 24041960 Email: <a href="mailto:spangler@sfipfirm.com">spangler@sfipfirm.com</a></p> <p><b>Spangler &amp; Fussell P.C.</b> 208 N. Green St., Suite 300 Longview, TX 75601 Telephone: (903) 753-9300 Facsimile: (903) 553-0403</p> <p>James A. Fussell, III, State Bar No. 2003193 Email: <a href="mailto:fussell@sfipfirm.com">fussell@sfipfirm.com</a></p> <p><b>Spangler &amp; Fussell P.C.</b> 211 N. Union Street, Suite 100 Alexandria, VA 22314 Telephone: (903) 753-9300 Facsimile: (903) 553-0403</p> <p><b>Attorneys for Plaintiff TQP DEVELOPMENT, LLC</b></p>
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**CRTIFICATE OF SERVICE**

I hereby certify that on the 30th day of April, 2013, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Paul A. Kroeger  
Paul A. Kroeger

**CERTIFICATE OF CONFERENCE**

I hereby certify that counsel for Plaintiff and Defendant have conferred regarding the foregoing Motion, and Defendant does not oppose the relief sought.

Dated: April 30, 2013

/s/ Paul A. Kroeger  
Paul A. Kroeger